

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-3425-2022 (O&M)
Date of decision: 16.03.2022**

Joginder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Narinder S. Lucky, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 54 dated 14.09.2021, registered under Sections 307, 341, 323, 34 IPC and Section 324 and 326 IPC added later on, at Police Station Mehal Kalan, District Barnala.

Custody certificate dated 15.03.2022 submitted by the learned State counsel through email and status report by way of affidavit dated 11.03.2022 of the Deputy Superintendent of Police, Mehal Kalan, District Barnala, already filed in the Registry, are taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that there is a delay of four days in lodging the FIR; that only one injury on the non-vital part i.e. on the left

bicep of the complainant has been attributed to the petitioner; that the petitioner has been in custody for the last more than 05 months and that though the challan stands presented, the prosecution witnesses are yet to be examined.

Learned State counsel, while vehemently opposing the prayer for bail submits that the petitioner and the co-accused were armed with deadly weapons and hence, the plea of the false implication is totally wrong. However, he does not dispute the custody period of the petitioner and that the injury attributed to the petitioner was not on the vital part. He submits that out of 23 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than 05 months. The injury attributed to the petitioner is not on the vital part, The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

16.03.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No